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EXAMINER

USTARIS, JOSEPH G

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/703,261

Applicant(s)

ALLEN ET AL.

Examiner

Joseph G Ustaris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment dated 05 March 2004 in application 09/703,261.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-9, 10, 13, 15, 21-23, 24, 27, and 30 are rejected under 35 U.S.C.

103(a) as being unpatentable over Legall et al. (US006005565A) in view of Maze et al. (US006216264B1).

Regarding claim 1, Legall et al. (Legall) discloses a system and method for a power search tool that searches multiple resources or "one or more information source" (See column 2 line 64 – column 3 line 4). The power search tool receives a request for information by the user. The user can define topics or "request for information" by using the query tools (See Fig. 3b). The power search tool searches the various resources or "one or more information sources" until the topics have been found. Once the topics have been found, the information from the resources are displayed or "delivering the requested information" on a display of a personal computer (PC) or "Internet-enabled television system" (See column 3 lines 11-27). The power search tool modifies the

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current electronic program guide (EPG) by highlighting or displaying the information that meets the topic requirements or criteria (See column 3 lines 15-27). However, Legall lacks a method where the power search tool would automatically monitor the information resources for data that meets the user's requested information.

Legall suggests that the power search tool can automatically perform searches based on what the user views and present the results to the user (See column 5 lines 1-25). Maze et al. (Maze) discloses a gopher agent that continually searches or "monitoring" for particular programs for the user. The user creates and saves a search request list or "registering a user request for information" where the gopher agent would use the search request list to automatically find programs for the user (See Fig. 5 and column 4 line 58 – column 5 line 16). The search request list or also known as "user-specified delivery criteria" defines various criteria, i.e. title, topic, theme, and keyword, or also known as "triggering events". When the gopher agent finds a program that meets the criteria set by the user, the user is notified by using the selected type of notification defined within the search request list or "delivery of the requested information in response to a future triggering event..." (See Figs. 5-7 and column 4 line 58 – column 5 line 45). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the power search tool disclosed by Legall to automatically monitor the information resources for data that meets the "registered" user's requested information, as taught by Maze, in order to provide more convenience to the user by giving them options to configure the power search tool to their personal

preferences for automatically searching thereby reducing the amount of interaction or input from the user.

Regarding claim 7, the user can define a type of notification or "receiving a user selection of a notification format" for when the program has been found and the gopher agent will notify the user using the selected type of notification (See Maze Fig. 2 and column 3 lines 5-10).

Regarding claim 8, the system disclosed by Legall et al. in view of Maze et al. notifies the user using the user-selected type of notification, as discussed in claim 7.

Regarding claim 9, the query tools provide a list of categories and subcategories or "hierarchically-arranged list of information categories" to further define the search criteria (See Legall Fig. 3b and column 3 lines 34-40). The user selects from this list and the power search tool uses the selection as its search criteria or "receiving a user selection...from the hierarchically-arranged list".

Regarding claim 10, the power search tool disclosed by Legall in view of Maze is presented to the user using a graphical user interface (GUI) (See Legall Fig. 3b). The power search tool is capable of displaying the results of the search within the EPG section of the GUI or "displaying the delivered information in a designated area of the GUI" (See Legall column 3 lines 19-24).

Regarding claim 13, the power search tool lists the results of the search within the GUI notifying the user that the search is complete. The list may contain URLs where the user can select the URL using the cursor to bring up the corresponding website or "displaying the delivered information...in response to a subsequent user action" (See

Legall column 4 lines 35-49). All this information may be viewed on a display of the PC or "Internet-enabled television system".

Claim 15 contains the limitations of claim 1 (wherein the power search tool performs the method claimed in claim 1) and is analyzed as previously discussed with respect to that claim.

Claim 21 contains the limitations of claims 7 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 22 contains the limitations of claims 8 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 23 contains the limitations of claims 9 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 24 contains the limitations of claims 10 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 27 contains the limitations of claims 13 and 15 and is analyzed as previously discussed with respect to those claims.

Regarding claim 30, the search request list contains criteria or "triggering events" to aid in finding to a particular upcoming TV show or movie or "impending broadcast of a particular television program" (See Maze Fig. 5 and column 4 line 58 – column 5 line 16).

Claims 2, 3, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Maze et al.

(US006216264B1) as applied to claims 1, 7-9, 10, 13, 15, 21-23, 24, 27, and 30 above, and further in view of Broadwin et al. (US005929850A).

Regarding claim 2, Legall in view of Maze lacks a method and system where the power search tool can reserve a communication channel for the requested information.

Broadwin et al. (Broadwin) discloses an interactive television system that is capable of providing still images or "requested information" upon user request. The interactive television system utilizes a pre-designated channel reserved for user requests. The pre-designated channel may be used to deliver additional MPEG still or "requested information" to the user (See column 13 lines 1-12). Therefore, it would have been obvious to one with ordinary skill at the time the invention was made to modify the power search tool disclosed by Legall in view of Maze to be able to reserve a communication channel for receiving the search results or "requested information", as taught by Broadwin et al., in order to provide a means for ensuring an open channel for the search results to be delivered on.

Regarding claim 3, the reserved channel transfers MPEG stills making the channel a "MPEG channel" (See Broadwin column 13 lines 5-8 and 10-12).

Claim 16 contains the limitations of claims 2 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 17 contains the limitations of claims 3 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Maze et al. (US006216264B1) and in further view of Broadwin et al. (US005929850A) as applied to claims 2, 3, 16, and 17 above, and further in view of Kusaba et al. (US006510556B1).

Regarding claim 4, Legall in view of Maze and in further view of Broadwin lacks a method where the reserved MPEG channel is stored within a "private information indexing table" and transmitted to the "Internet-enabled television system".

Kusaba et al. (Kusaba) discloses a video distribution system that stores the distribution channel or "reserved MPEG channel" within a schedule table or "private information indexing table" (See Fig. 4e and column 5 lines 48-58). The schedule table is then transmitted to the user's computer or "Internet-enabled television system". Therefore, it would have been obvious to one with ordinary skill at the time the invention was made to modify the power search tool disclosed by Legall in view of Maze and in further view of Broadwin to store the "reserved MPEG channel" within a schedule table or "private information indexing table" and transmit it to a PC or "Internet-enabled television system", as taught by Kusaba et al., in order to notify the receiving units on which "MPEG channel" the "requested information" will be received on.

Claim 18 contains the limitations of claims 4 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Maze et al. (US006216264B1) and in further



view of Broadwin et al. (US005929850A) and Kusaba et al. (US006510556B1) as applied to claims 4 and 18 above, and further in view of Sorensen (US006598226B1).

Regarding claim 5, Legall in view of Maze and in further view of Broadwin and Kusaba lacks a method where the PC or "Internet-enabled television system" detects information received on the "reserved MPEG channel".

Sorensen discloses a retrieving apparatus or PC that retrieves information. The retrieving apparatus has a detector that is capable of detecting when it receives data packets or "information" from a particular channel. The detector then sends a signal or "information monitoring trigger" to the processor notifying that the data packets have been retrieved (See column 3 lines 40-59; column 4 lines 7-12). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the PC or "Internet-enabled television system" disclosed by Legall in view of Maze and in further view of Broadwin and Kusaba to be able to detect when information is received on the "MPEG channel" and to generate a signal or "setting an information monitoring trigger", as taught by Sorensen, in order to notify the PC or "Internet-enabled television system" that the "requested information" has been received and ready to be viewed by the user.

Claim 19 contains the limitations of claims 5 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 6 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Maze et al. (US006216264B1) and in further

view of Broadwin et al. (US005929850A) as applied to claims 2, 3, 16, and 17 above, and further in view of Inoue et al. (US20020016963A1).

Claim 6 contains the limitations of claim 2 (wherein the power search tool retrieves the information from the resources or "requested information" in order to display it) and is analyzed as previously discussed with respect to that claim. However, Legall in view of Maze and in further view of Broadwin lacks a method where the "requested information" is encoded and transmitted over a cable network.

Inoue et al. (Inoue) discloses an information receiving apparatus or PC or "Internet-enabled television system" that receives encoded data over a CATV cable or "cable delivery network". Inoue et al. discloses that the data is encoded at the sending station by an information encoder (See Fig. 1) and that the method for encoding used is MPEG encoding (See paragraph 0080). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the power search tool disclosed by Legall in view of Maze and in further view of Broadwin to encode the information to be sent to the PC or "Internet-enabled television system" and transmit the encoded information over a CATV cable, as taught by Inoue et al., in order to effectively use the capacity and bandwidth of the CATV cable to deliver the information to the user.

Claim 20 contains the limitations of claims 6 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 11, 12, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Maze et al. (US006216264B1) as applied to claims 1, 7-9, 10, 13, 15, 21-23, 24, 27, and 30 above, and further in view of Knudson et al. (US006536041B1).

Regarding claim 11, Legall in view of Maze lacks a method and system where the information is displayed over the television program displayed by the PC or "Internet-enabled television system".

Knudson et al. discloses a program guide system that is capable of displaying an information ticker over the television program or "superimposing... over a television program" that provides information that the user requests (See Fig. 13 and column 13 line 49 – column 14 line 13). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the power search tool disclosed by Legall in view of Maze to display the information over the television program displayed by the PC or "Internet-enabled television system", as taught by Knudson et al., in order to give the user a clear and direct view of the information the user requested.

Regarding claim 12, the information ticker "horizontally" scrolls through different information categories by use of buttons (See Knudson et al. Fig. 13 element 194).

Claim 25 contains the limitations of claims 11 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 26 contains the limitations of claims 12 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 14 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Maze et al. (US006216264B1) as applied to claims 1, 7-9, 10, 13, 15, 21-23, 24, 27, and 30 above, and further in view of Combs et al. (US006564383B1).

Regarding claim 14, Legall in view of Maze lacks a method and system where an e-mail is sent notifying the user that the search is done and the information is ready to view.

Combs et al. discloses a computer system that is able to search through television programs and when the search is complete, the system is capable of sending an e-mail to the user notifying that the search is complete and the information is ready to be viewed (See column 6 lines 44-50). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the power search tool disclosed by Legall in view of Maze to be able to send an e-mail to the user to notify the user that the search is complete and the information is ready to be viewed, as taught by Combs et al., in order to notify the user that the search is done at a different location away from the PC or "Internet-enabled television system" thus enabling the user to leave the system unattended while the search is being preformed.

Claim 28 contains the limitations of claims 14 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US006005565A) in view of Maze et al. (US006216264B1) as applied to claims 1, 7-9, 10, 13, 15, 21-23, 24, 27, and 30 above, and further in view of Herz et al. (US005835087A).

Regarding claim 29, Legall in view of Maze lacks a method and system where one of the criteria or "triggering event" is a change in stock price.

Herz et al. (Herz) discloses a system that creates user profiles and monitors the criteria set within the profile. The user can set a profile to monitor a certain stock performance and price and notify the user when the stock price reaches a certain price (See column 61 lines 25-60). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the search request list disclosed by Legall in view of Maze to also store criteria pertaining to stock prices, as taught by Herz, in order to expand the capability of the power search tool thereby providing more convenience to the user.

### ***Response to Arguments***

3. Applicant's arguments filed 05 March 2004 have been fully considered but they are not persuasive.

The objections to the drawings and claims 17 and 20 under 35 U.S.C. 112, second paragraph, are now withdrawn in view of the amendments.

Applicant argues the Legall's power search tool is a conventional search engine. However, Legall does suggest that the power search tool can automatically perform

searches based on the user's viewing habits and the results of the search are automatically provided (See Legall column 5 lines 1-25). Teachings from Maze were applied to further enhance this feature to meet the limitations of the independent claims. The search request list contains both the request for information, i.e. "Star Trek" and "The Shining", and delivery criteria, i.e. topic, theme, and keyword.

Applicant further argues that only existing information can be found. With the additional teachings from Maze, the search request list is saved or "registered" and used to continually search the current and future databases, therefore not only current existing information can be found.

Applicant further argues that no monitoring is being performed. However, the search request list is used for continually searching the databases. The system "monitors" the database by performing constant or periodic searches until the desired information is found.

In conclusion, respectfully, the rejections still stand for claims 1-30.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

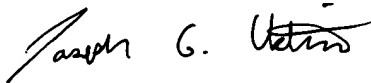
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Ustaris whose telephone number is (703) 305-0377. The examiner can normally be reached on Monday-Friday with alternate Fridays off from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4700.



JGU  
May 4, 2004



VIVEK SRIVASTAVA  
PRIMARY EXAMINER